

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CURTIS HERTEL, the Register of Deeds and Representative of **INGHAM COUNTY**; and **NANCY HUTCHINS**, the Register of Deeds and Representative of **BRANCH COUNTY**, both as Class Representatives of all 83 counties in the State of Michigan.

Plaintiffs,

v.

Case No. 1:12-CV-174
HON. ROBERT HOLMES BELL

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., MERSCORP, INC., BANK OF AMERICA N.A., JP MORGAN CHASE & CO, CHASE HOME MORTGAGE CORPORATION f/k/a CHASE HOME FINANCE, WELLS FARGO BANK, N.A., CITIMORTGAGE INC., and JOHN DOE as any other authorized signers for MERS or MERSCORP, INC., and Defendants JOHN DOE Corporations I - MMM, Defendants.

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PLAINTIFFS' VOLUNTARY DISMISSAL OF CLAIMS ARISING UNDER THE STATE REAL ESTATE TRANSFER TAX ACT, MCL §§ 207.521 *et seq.*

Plaintiff's hereby enters a voluntary dismissal of claims contained in their Complaint arising under the State Real Estate Transfer Tax Act (SRETTA), Michigan Compiled Laws §§ 207.521 *et seq.*, permissibly recognized by the court in its Order, Docket #59. The State of Michigan, through the Attorney General's office, has notified Plaintiffs that neither they nor

their attorneys will be representing the interests of the State of Michigan in the collection of unpaid state transfer taxes under the SRETTA. Despite the clear language of SRETTA MCL §207.530 that "The tax imposed under this act shall be collected by the county treasurer and deposited with the treasurer as provided in this section", the State of Michigan is demanding that this litigation and our representation in this matter not include any of the State of Michigan interests. MRPC 1.16 (a) provides that an attorney must withdraw from a representation under certain circumstances, and counsel for Plaintiff believe this is one such circumstance.

This is notification under MRPC 1.16 that attorneys for the County Plaintiffs in the subject class action, Daniel P. Marsh and William E. Maxwell, will no longer and do not represent the interests of the State of Michigan in the collection of unpaid or overdue SRETTA taxes. Therefore under Michigan Rules of Professional Conduct (MPRC), Attorney Marsh and I are hereby giving notice that the SRETT portion of the claim in the current complaint filed by the Plaintiff counties is hereby formally withdrawn to comply with MPRC and the wishes of the State of Michigan voiced through the Attorney General's office.

Respectfully submitted,

By: /s/ Daniel P. Marsh P45304
Attorney for Plaintiffs

Dated: November 20, 2012

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2012, I electronically filed the foregoing **RESPONSE TO ORDER TO SHOW CAUSE** with the Clerk of the Court using the ECF system that will send notification of such filing to all attorneys of record.

By: /s/ Daniel P. Marsh P45304
Attorney for Plaintiffs